

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANK ROBERT CHESTER  
Petitioner,

v.

COMMISSIONER MARTIN HORN;  
PHILIP JOHNSON; JOSEPH P.  
MAZURKIEWICZ; and  
THE DISTRICT ATTORNEY OF BUCKS  
COUNTY  
Respondents.

CIVIL NO. 99-4111

**ORDER**

AND NOW, this 28<sup>th</sup> day of February, 2011, upon consideration of Frank Robert Chester's Petition for Habeas Relief (Doc. No. 1), all amendments and supplements thereto, Respondents' Responses thereto, oral arguments, and supplemental briefing, it is hereby ORDERED that said Petition is GRANTED IN PART as follows:

- (1) Per Respondents' concession and in accordance with the ruling set forth in *Laird v. Horn*, 414 F.3d 419 (3d Cir. 2005), *cert. denied*, 546 U.S. 1146 (2006), Petitioner's First Degree Murder conviction and death sentence are VACATED without prejudice;
- (2) Petitioner's request for an evidentiary hearing regarding his conflict of interest claim is GRANTED; and,
- (3) A ruling on all remaining non-capital, guilt-phase claims shall be deferred pending disposition of Petitioner's conflict of interest claim.

BY THE COURT:

/s/ C. Darnell Jones, II J.